

## COMMITTEE REPORT.

The following privileged committee report was made to the Senate:

Committee Room,  
Austin, Texas, April 3, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 294, being a bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railroad Company to purchase the railroads and all other property of the Gulf, Beaumont & Kansas City Railway Company and of the Gulf, Beaumont & Great Northern Railway Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company as part of its own line, with the right to extend the said roads, or either of them, and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, or person or persons, now or hereafter owning the said properties, to sell the same to the Gulf, Colorado & Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado & Santa Fe Railway Company of the railroads and other properties of said two other companies,"

And find the same correctly engrossed.  
BEATY, Chairman.

## HOUSE BILL NO. 372—REQUEST FOR FREE CONFERENCE COMMITTEE.

Senator Sebastian called up the House message announcing the refusal of the House to concur in Senate amendments to

House bill No. 372, A bill to be entitled "An Act to reserve to their respective funds all minerals and oils discovered in or found upon any and all lands hereafter sold belonging to the public schools, University, asylums or State, and reserving to each institution, through its proper authorities, power and right to use or grant the use of easement, for the purpose of ingress and egress in mining, working or developing any such minerals or oils, and declaring an emergency,"

And moved that the House's request for a Free Conference Committee be granted.

Senator Dibrell offered a substitute motion that the request of the House be not granted.

Substitute motion was lost by the following vote:

## Yeas—11.

Davidson of	Paulus.
DeWitt.	Savage.
Dibrell.	Turner.
Hanger.	Wayland.
Harris of Hunt.	Wheeler.
Lloyd.	Yett.

## Nays—12.

Beaty.	Miller.
Goss.	Odell.
Grinnap.	Potter.
Harris of Bexar.	Sebastian.
James.	Turney.
Lipscomb.	Wilson.

## Absent.

Davidson of	Patterson.
Galveston.	Stafford.
Johnson.	Staples.
McGee.	Swann.
Neal.	

Action recurring on the motion of Senator Sebastian to grant the House's request for a Free Conference Committee, Senator Dibrell moved a call of the Senate, and which call was duly seconded.

## ADJOURNMENT.

Pending the roll call on Senator Dibrell's call of the Senate,

Senator Potter moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow.

The motion prevailed, and the Senate accordingly, at 10:30 o'clock p. m., adjourned.

## FIFTY-FOURTH DAY.

Senate Chamber,  
Austin, Tex., Thursday, April 4, 1901.

Senate met pursuant to adjournment.  
President Pro Tem. Miller in the chair.

Roll called. Quorum present, the following Senators answering to their names:

## Present—28.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.

Absent—3.

Dibrell.  
McGee.

Swann.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

## COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared.

Senate bill No. 204, being a bill to be entitled "An Act granting a right of way of fifty feet in width over all cut over school lands to all tram roads while engaged in hauling logs to saw mills for manufacturing purposes,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,  
Austin, Texas, April 3, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared.

Senate bill No. 271, being a bill to be entitled "An Act to amend Article 943, of Chapter 3, Title XXVII, of the Revised Civil Statutes, prescribing the action of the Supreme Court upon petition for a writ of error to that court,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Public Health, to whom was referred

House bill No. 78, being a bill to be entitled "An Act to amend Chapter 69 of the Acts of the Twenty-sixth Legislature; to repeal all laws in conflict therewith, and to declare an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, and that it be not printed.

Floor report.

LLOYD, Chairman.

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 376, being a bill to be entitled "An Act to amend Article 4785a, Chapter 6, Title XCVII, of the Revised Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, and that it be not printed.

Floor report.

STAFFORD, Chairman.

The Chair (President Pro Tem. Miller) here declared the morning call concluded.

## HOUSE BILL NO. 372—FREE CONFERENCE COMMITTEE ASKED FOR.

The Chair (President Pro Tem. Miller) laid before the Senate pending business, House bill No. 372 (Mineral Survey Bill), the question being on the motion of Senator Sebastian, made just previous to adjournment yesterday, that the request of the House be granted in asking for the appointment of a Free Conference Committee to consider the difference between the House and Senate in the matter of Senate amendments to the bill.

On that motion, Senator Davidson of DeWitt moved a call of the Senate, which call being duly seconded, the roll was called, the following Senators answering to their names:

Present—26.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Turner.
James.	Turney.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.

Absent—5.

Dibrell.	Swann.
Johnson.	Wayland.
McGee.	

Senator Odell moved that the absentees as shown by the foregoing roll call be excused.

Motion to excuse the absentees was lost by the following vote (requiring two-thirds of those present):

Yeas—15.

Davidson of Galveston.	Patterson.
Harris of Bexar.	Potter.
James.	Sebastian.
Lipscomb.	Stafford.
Miller.	Staples.
Neal.	Wheeler.
Odell.	Wilson.
	Yett.

Nays—10.

Beaty.	Johnson.
Davidson of DeWitt.	Lloyd.
Goss.	Paulus.
Hanger.	Savage.
Harris of Hunt.	Turner.

Absent.

Dibrell.	Turney.
McGee.	Wayland.
Swann.	

(Senator Johnson was announced during roll call.)

The matter of granting the House's request for a Free Conference Committee on House bill No. 372 went to the table pending the removal of the call or the arrival of the absentees.

#### FIRST HOUSE MESSAGE.

The following first House message was here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 104, A bill to be entitled "An Act to amend Section 10, of Chapter 5, of the General Laws of Texas, enacted at the First Called Session of the Twenty-fifth Legislature of Texas, A. D. 1897."

House bill No. 245, A bill to be entitled "An Act to amend Article 1534 of the Revised Civil Statutes of 1895, and to define a quorum of the commissioners court."

House bill No. 269, A bill to be entitled "An Act to amend Article 3698, of Chapter 6, Title LXXIX, and to fix the minimum salaries of under-officers and employes of the State penitentiaries of Texas."

House bill No. 98, A bill to be entitled "An Act to amend Section 6, Chapter 11, Acts of the Twenty-sixth Legislature, passed at the First Called Session, known as S. S. B. No. 2, and approved

February 23, 1900, relating to the sale of unsurveyed school land."

House bill No. 76, A bill to be entitled "An Act to amend Article 5080, Chapter 2, Title CIV, of the Revised Civil Statutes of the State of Texas, by adding a new article to be known as Article 5080a."

Substitute House bill No. 97, A bill to be entitled "An Act to amend Articles 3982 and 3983, Chapter 13, Title LXXXVI, Revised Civil Statutes of Texas, regulating the transfer of children of the scholastic age from one district or independent district to another, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 99, A bill to be entitled "An Act to amend Article 3332 of the Revised Statutes of the State of Texas, relating to chattel mortgages."

House bill No. 250, A bill to be entitled "An Act to create a more efficient road system for the counties in this State, and making county commissioners ex-officio road commissioners, and prescribing their powers and duties as such, and providing for their compensation as such road commissioners, and providing for the condemning of material for the construction and maintenance of public roads, and to provide for the compensation for the material used, and providing for the working of county convicts on the public roads and the purchase of supplies for such convicts, and rewards for the capture of escaped county convicts, and for commutation of sentence for faithful service and good behavior, and defining the powers and duties of road overseers, and to provide for the summoning of hands and teams for road work, and the allowance for time for service of hands and teams on public roads, and fixing a penalty for violation of same, and relieving them from the performance of such work by the payment of three dollars, and providing further, making this act cumulative of the General Laws now in force, and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 296, A bill to be entitled "An Act to amend Articles 575 and 576, of Chapter 6, Title XIV, of the Penal Code of the State of Texas, relating to public weighers and to persons weighing for the public, and to punish such persons for using false balances or instruments for weighing, and for fraudulently giving a wrong weight or certifying to a wrong weight, and to prescribe a penalty for violating same."

House bill No. 371, A bill to be entitled "An Act to amend Chapter 6, Title XI, of the Penal Code of the State of Texas, by adding thereto Article 402a, relating

to C. O. D. shipments of intoxicating liquors into any county, justice precinct, city or town, or subdivision in which sale thereof is prohibited by law, declaring same to be a sale at the place of delivery."

House bill No. 303, A bill to be entitled "An Act to amend Article 918a, Chapter 14a, Title XVII, of the Penal Code of the State of Texas, regulating the filling of bottles with compounds or defacing in any way the mark or device on bottles, syphons or other containers."

House bill No. 35, A bill to be entitled "An Act to create and establish an industrial institute and college in the State of Texas for the education of white girls in the arts and sciences," with amendments.

House bill No. 69, A bill to be entitled "An Act to amend Article 4998, Title CII, Chapter 5, of the Revised Civil Statutes of the State of Texas," with amendments.

House bill No. 236, A bill to be entitled "An Act to amend Article 4367, of Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, regulating the place where railroad companies, chartered by this State, shall keep and permanently maintain their general offices; also regulating the place where they shall keep and maintain their machine shops and roundhouses; and providing an adequate remedy in case the same shall be removed without the authority of law," with amendment.

House bill No. 181, A bill to be entitled "An Act to amend Article 787, Chapter 3, Title XVII, of the Penal Code of the State of Texas," with amendment.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### SENATE BILL NO. 235—PENDING ON SECOND READING.

On motion of Senator Odell, the pending order of business (Senate bill No. 216) was suspended and the Senate took up, out of its order,

Senate bill No. 235, A bill to be entitled "An Act to amend Article 402, of Title XI, of the Penal Code of the State of Texas, relating to the selling of intoxicating liquor in prohibited districts."

Senator McGee was announced.

The Chair (President Pro Tem. Miller) laid the bill before the Senate, pending on its second reading.

Senators Wayland and Swann were announced.

Bill, having been read second time, was ordered engrossed.

Senator Odell moved that the constitutional rule requiring bills to be read on three several days be suspended and the

bill put on its third reading and final passage.

Motion to suspend the constitutional rule was lost by the following vote (requiring four-fifths of those present):

Yeas—19.

Goss.	Potter.
Grinnan.	Savage.
Harris of Hunt.	Sebastian.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Odell.	Yett.
Patterson.	

Nays—9.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Paulus.
Hanger.	Stafford.
Harris of Bexar.	Turney.

Present—Not voting.

Turner.

Absent.

Davidson of	Dibrell.
Galveston.	

#### HOUSE BILL NO. 372—FREE CONFERENCE COMMITTEE MOTION WITHDRAWN.

Senator Sebastian, by unanimous consent was temporarily excused.

Senator Dibrell was announced, and

A full Senate was announced.

The question recurred on the motion of Senator Sebastian to grant the request of the House for a Free Conference Committee on House bill No. 372, and

By unanimous consent, Senator Turney withdrew the motion of Senator Sebastian, which dissolved the call, and the doors were reopened.

#### SECOND HOUSE MESSAGE.

The following second House message was here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 4, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to Substitute House bill No. 31, and asks the appointment of a Free Conference Committee on the part of the Senate; and the House has appointed the following committee: Messrs. Schluter, Green, Harbison, Murray and Marsh on the part of the House.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

COMMITTEE REPORTS.

By unanimous consent, the following committee reports were made to the Senate:

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 526, being a bill to be entitled "An Act to create a more efficient road system for Madison county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and be not printed.

Floor report.

MILLER, Chairman.

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 429, being a bill to be entitled "An Act to create a more efficient road system for Van Zandt county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and be not printed.

Floor report.

MILLER, Chairman.

Committee Room,  
Austin, Texas, April 3, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 299, being a bill to be entitled "An Act to protect the public health by prohibiting the manufacture or sale of adulterated cigarettes,"

And find the same correctly engrossed.

BEATY, Chairman.

HOUSE BILL NO. 224—FREE CONFERENCE COMMITTEE REPORT.

*To the Hon. J. N. Browning, President of the Senate, and Hon. R. E. Prince, Speaker of the House of Representatives.*

SIR: We, your Free Conference Committee appointed to adjust the differences between the Senate and the House

on Senate amendments to House bill No. 224, beg leave to report as follows:

We recommend that Senate recede from amendment No. 27 by striking out said amendment, which amendment provided for inserting on page 71, line 21, after the words "legal process," the following words, "and no writ of mandamus or other process shall lie to compel said commissioners to levy any taxes except as authorized by this act."

We also recommend that the Senate recede from amendment No. 28, as follows: "No. 28. Amend by striking out on pages 109-110, beginning on line 26, page 109, the following words, 'excepting, however, all legal ordinances, resolutions or acts heretofore passed by the city council of Galveston, and any provisions of said charter of 1876, and amendments and acts relating thereto, providing for the issuance and payment of either principal or interest of outstanding legal unpaid bonds or the city of Galveston; provided, that the rate of taxation hereafter fixed in any ordinance providing for the issuance of refunding bonds shall not exceed the rate levied in the ordinance under which the bonds to be refunded were issued.'"

And in lieu thereof we recommend the following amendment: 'By inserting after the word 'repealed,' page 109, line 26, of the engrossed bill, the following words: 'Excepting, however, all legal ordinances, resolutions or acts heretofore passed by the city council of Galveston, and any provisions of said charter of 1876, and amendments and acts relating thereto providing for the issuance and payment of either principal or interest of outstanding legal unpaid bonds of the city of Galveston.'"

We also recommend that the Senate recede from amendment No. 30, by striking out all of said amendment, which consisted of Section 67 of said act, and as to be inserted, commencing on page 32, line 10, of engrossed bill, and insert in lieu thereof the following:

"Section 67. The city of Galveston shall have the power to issue bonds to the amount of not exceeding \$3,100,000.00 of such denomination as the board of commissioners may determine, payable at such time, not to exceed fifty years, as they may determine and as may be agreed to by the holders of such bonds, bearing interest, payable semi-annually, at a rate to be agreed on by the holders of such bonds and the board of commissioners; said interest rate, however, not to exceed five per cent. per annum, but the city of Galveston shall have the right to select by lot as interest coupons on said bonds mature, sufficient of the bonds to retire at not

exceeding par, not less than two per cent. per annum of the total bonds outstanding of each issue into the sinking fund thereof. These bonds are to be issued for the purpose of refunding such of the outstanding bond issues of the city of Galveston as are hereinafter specified; that is to say, a sufficient number of said bonds so authorized to be issued, shall be in lieu and instead of the outstanding forty-year limited debt bonds of 1881; a sufficient number of said bonds so authorized to be issued, shall be in lieu and instead of the water works street improvement and city hall bonds outstanding; a sufficient number thereof shall be in lieu and instead of the forty-year limited debt bonds of 1891 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedness funding bonds of 1895 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedness funding bonds approved Sept. 8, 1897, outstanding; a sufficient number thereof shall be in lieu and instead of bonds outstanding, issued for the establishment and maintainance of a sewerage system in pursuance of an ordinance of the city of Galveston passed December 16, 1897, and the amendment

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax not exceeding twenty cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners of said city of Galveston, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid, of the issue of what is known as the forty-year limited debt bonds of 1881, and refunding bonds, respectively, issued in lieu of same.

"The board of commissioners of the city of Galveston shall have the power to levy, assess and collect an annual ad valorem tax not exceeding sixteen and four-tenths cents on the one hundred dollars valuation of all property subject to taxation within said city in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the water works, street improvement and city hall bonds, and refunding bonds, respectively, issued in lieu of same.

"The board of commissioners of the city of Galveston shall have the power to levy, assess and collect an annual ad valorem tax not exceeding thirty-three cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the forty-year limited debt bonds of 1891, and refunding bonds, respectively, issued in lieu of same.

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax of not exceeding five and five-tenths cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the general indebtedness refunding bonds of 1895, and refunding bonds, respectively, issued in lieu of same.

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax not exceeding five cents on the hundred dollars valuation of all property subject to taxation within said city in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid, of the issue of what is known as the general indebtedness funding bonds of 1897, and refunding bonds, respectively, issued in lieu of same.

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax, not exceeding ten cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the sewer bonds, and refund-

ing bonds, respectively, issued in lieu of same. Provided, however, that the said board of commissioners shall not determine upon a less rate of interest than five per cent. per annum upon any outstanding legal bonds of the city of Galveston, except, and unless, with the consent of the holder or holders of such bonds, respectively, and if the holder or holders of any of such bonds do not so consent to a less rate of interest than five per cent. per annum, then, and in that case, the bond or bonds of any such holder or holders, not so consenting, shall bear interest at the rate of five per cent. per annum.

"This act shall not be so construed as to authorize the board of commissioners of the city of Galveston to levy or to assess or to collect any tax in excess of the rates mentioned in this section, for the purpose of paying the interest on, or creating a sinking fund for, any series of either the outstanding bonds or the refunding bonds mentioned in this section; provided, however, that if any of such outstanding bonds be not refunded then, and in that case, said board of commissioners shall have power to levy, assess and collect such rate of taxation to pay the interest on, and to create a sinking fund for, such bonds not refunded, as does not exceed the rate of taxation prescribed in any legal ordinances, resolution or act heretofore passed by the city council of the city of Galveston, or act of the Legislature heretofore passed relating thereto, providing for the issuance and payment of either principal or interest of any such outstanding, legal, unpaid and unrefunded bonds of the city of Galveston.

"Each of said funds so created shall be a special fund for the purposes aforesaid and shall not be drawn upon or diverted for any other purpose, and the city treasurer of said city of Galveston shall honor no drafts upon said fund, except to pay the interest upon, or to redeem the bonds for which each or either of said funds was created under the provisions of this section. All bonds issued as refunding bonds, shall be signed by the president of the board of commissioners and countersigned by the secretary of said board and shall be payable at such place as may be fixed by ordinance of said board of commissioners. It shall be the duty of the president of said board of commissioners, when such bonds are issued, to forward the same to the Comptroller of the State of Texas, whose duty it shall be to register them in a book kept for that purpose, and to endorse on each bond registered, his certificate of registration.

"Immediately upon the qualification of

the commissioners of the city of Galveston to be appointed and elected as provided in this act, or as soon thereafter as practicable, it shall be their duty to make publication of the terms of this funding act; but the passage of this act shall be and is hereby deemed sufficient notice to the holders of the present bonds of the city of Galveston now outstanding.

"The manner of exchange of refunding bonds, their date of issuance, rate of interest, maturity and all other details of the issuance of the new bonds, is hereby left to the board of commissioners under such rules and regulations as a majority of them shall prescribe, not inconsistent with the provisions of this act.

"The acceptance and consumation by any creditor of the exchange of bonds provided by this act, shall of itself operate to assign and transfer to said municipal corporation, all his rights to and claims against the uncollected taxes, or other assets whatever, of said municipal corporation, including whatever funds there may be, either in bonds, money or other securities, held in either interest or sinking funds of the issue so exchanged or refunded with the right in said municipal corporation to enforce the same, either in its own name or in the name of the creditor; and the funds that may be realized therefrom are to be paid to the treasurer of said municipal corporation, and they are hereby devoted and appropriated to the payment of the present floating debt of the city of Galveston; and after that is paid to go in the general fund for any proper municipal purposes, so far as is not inconsistent with the terms of this act.

"Said board of commissioners shall have the power and it is made their duty from time to time, as they may determine, whenever as much as two thousand dollars shall have accumulated in the sinking fund of any of the proposed series of refunding bonds, to invest the same in bonds of any such series, in bonds of said city of Galveston, in bonds of the State of Texas, or in bonds of the United States, as may be deemed most advantageous by said board; provided, however, that when bonds of any particular series are purchased for the sinking fund of the same series, said bonds shall be canceled and retired. It shall be the duty of said board of commissioners, upon the surrender of any evidence of indebtedness, for which a new bond is to be issued, under the provisions of this act, and before the said bond is delivered, to cancel the evidence of indebtedness so surrendered, with a punch or by writing across the face thereof, that it is canceled, so that it cannot be again used.

All matured interest coupons shall be surrendered with the bonds, and no bond shall be received or refunded from which unmatured interest coupons are detached, unless such coupons are produced and surrendered with the bond.

"Said board of commissioners shall also keep, or cause to be kept, for and on behalf of the city of Galveston, a complete bond registry and set of books, showing all bonds issued, the date and amount thereof, the rate of interest, maturity, etc., of all bonds or other indebtedness surrendered under the provisions of this act, and all the other transactions of such board having reference to the refunding of the indebtedness of said city. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry, and the said book so required shall be kept safely among the records of the said city of Galveston.

"No other taxing power whatever, for any other purpose than is set forth in this act, shall be exercised by the board of commissioners of the city of Galveston under this act.

"That for any violation of the trusts imposed upon the officers or agents of the city of Galveston employed under this act, the same consequences shall follow civilly and criminally, that result from any breach of trust or willful violation of duty imposed by law upon any of the officers of the State of Texas, charged with the discharge of like duties, and for a breach of trust or willful violation of duty in respect thereof, upon conviction, they shall be punished in like manner as is or may be provided by the penal laws of the State of Texas."

We recommend the adoption of the following Senate amendments:

No. 2. "Amend by inserting on page 5a, line 3, after the word 'appointed,' the words 'and elected.'"

No. 3. "Amend by inserting on page 6, line 15, after the word 'appointed,' the words 'and elected under this act.'"

No. 4. "Amend by striking out on page 6, lines 19 and 20, the words 'said commissioners shall qualify as provided by this section within 10 days after their appointment,' and insert in lieu thereof the following words: 'Each commissioner appointed by the Governor of the State shall qualify as provided by this section within 10 days after his appointment, and each commissioner elected under the provisions of this act shall qualify as provided by this section, within 10 days after the delivery to him by the county judge of Galveston county of a certificate of his election.'"

No. 5 "Amend by striking out on

page 7, line 21, the words 'appointment and.'"

No. 6. Amend by striking out on page 7, line 15, the word 'in,' and all the words on lines 16, 17, 18 and 19, and insert in lieu thereof the following words: 'In case of the death, resignation, removal from office, or removal from the territorial limits of said city of either or both of the two commissioners elected, any such vacancy shall be filled in the manner provided by the Constitution of this State for filling vacancies in State or district offices other than members of the Legislature.'"

No. 7. "Amend by inserting on page 8, line 30, after the word 'appointed' the words 'and elected.'"

No. 8. "Amend by inserting on page 10, line 31, after the words 'may be' the word 'by.'"

No. 9. "Amend by inserting on page 12, line 27, after the word 'appointed,' the words 'and elected.'"

No. 10. "Amend by striking out on page 29, line 21, the words 'appointment and.'"

No. 11. "Amend by inserting on page 34, line 21, after the word 'appointed,' the words 'and elected as herein provided.'"

No. 12. "Amend by striking out on page 35, lines 9 and 10, the words 'the Governor of the State shall fill such vacancy by appointment,' and in lieu thereof insert the words 'such vacancy shall be filled in the manner provided in section 10 of this act.'"

No. 13. "Amend by adding on page 54, line 4, after the word 'examination,' the words 'or after a coroner's inquest.'"

No. 14. "Amend by inserting on page 67, line 4, after the word 'appointed,' the words 'and elected.'"

No. 15. "Amend by inserting, page 69, line 12, after the word 'negligence,' the words 'for any injury or injuries to persons or.'"

No. 16. "Amend by striking out on page 70, line 29, the word 'is,' and insert in lieu thereof the word 'are.'"

No. 17. "Amend by striking out on page 80, lines 17 and 18, the words 'that may have been rendered' and the word 'such.'"

No. 18. "Amend by inserting on page 91, line 10, after the word 'appointed' the words 'and elected.'"

No. 19. "Amend by striking out on page 93, lines 8 and 9, the word 'commissions,' and insert in lieu thereof the word 'commissioners.'"

No. 20. "Amend section 69, page 94, line 26, by inserting after the word payable' the words 'not more than.'"

No. 21. "Amend section 69, page 94, by striking out 'three (3),' and inserting



in lieu thereof the words 'not to exceed five (5).'"

No. 22. "Amend section 70, page 95, line 26, by inserting after the words and figures 'Sec. 70.' the following: 'All moneys that may be donated or appropriated by the State of Texas to the city of Galveston shall be applied to and used.'"

No. 23. "Amend section 70, page 95, line 32, by inserting after the words and figures 'No. 69' the word 'and.'"

No. 24. "Amend section 70, page 96, line 5, by striking out the word 'of,' and inserting in lieu thereof the words 'of not to exceed.'"

No. 25. "Amend Section 71, page 96, lines 25 and 26, by striking out the words and figures 'of forty cents.'"

No. 26. "Amend section 71, page 96, lines 15 and 16, by striking out the words and figures 'of 40 cents on the one hundred dollars.'"

No. 29. "Amend by inserting on page 110, line 22, after the word 'enacted' the following words: 'Provided, that the commissioners appointed and elected respectively under this act, shall not qualify before the first Monday in June, 1901.'"

We also recommend that the Senate recede from Senate amendment No. 1, reading as follows:

No. 1. "Amend by inserting on page 1, line 28, after the word 'corporation,' the words 'or the commerce of the city of Galveston.'"

We also recommend that House bill No. 224 be amended by striking out on page 95, line 10, of the engrossed bill, the word and figures "fifty thousand (50,000)" and insert in lieu thereof the word and figures "one hundred thousand (100,000)."

Respectfully submitted,  
DAVIDSON of Galveston,  
STAFFORD,  
TURNER,  
TURNER,

On the part of the Senate.

NOLAN,  
SEABURY,  
SCHLUTER,  
GARY,

On the part of the House.

HOUSE BILL NO. 224—FREE CONFERENCE COMMITTEE REPORT ADOPTED.

After the foregoing report had been read,

Senator Davidson of Galveston moved that the same be adopted.

Motion prevailed by the following vote:

Yeas—25.

Beaty.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Stafford.
Grinnan.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Miller.	Yett.
Neal.	

Nays—3.

Davidson of	Johnson.
DeWitt.	Odell.

Absent.

Lipscomb.	Sebastian.
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Senator Davidson of Galveston moved to reconsider the vote by which the Free Conference Committee report was adopted, and lay that motion on the table.

Motion to table prevailed.

SENATE BILL NO. 235—VOTE RE-CONSIDERED.

Senator Turney moved to reconsider the vote by which the Senate refused to suspend the constitutional rule on Senate bill No. 235 (see under heading above for caption).

(Previous roll call shows the mover to have voted in the negative.)

Motion prevailed by the following vote:

Yeas—20.

Goss.	Potter.
Grinnan.	Savage.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
McGee.	Wheeler.
Odell.	Wilson.
Patterson.	Yett.

Nays—9.

Beaty.	Harris of Bexar.
Davidson of	Miller.
DeWitt.	Neal.
Dibrell.	Paulus.
Hanger.	Stafford.

Absent.

Davidson of	Sebastian.
Galveston.	

The question recurring on the motion of Senator Odell to suspend the constitutional rule requiring bills to be read on three several days, and place Senate bill No. 235 on its third reading and final passage.

Motion was lost (requiring four-fifths of those present) by the following vote:

Yeas—21.

Goss.	Savage.
Grinnan.	Sebastian.
Harris of Hunt.	Staples.
James.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wayland.
McGee.	Wheeler.
Odell.	Wilson.
Patterson.	Yett.
Potter.	

Nays—9.

Beaty.	Harris of Bexar.
Davidson of	Miller.
DeWitt.	Neal.
Dibrell.	Paulus.
Hanger.	Stafford.

Absent.

Davidson of  
Galveston.

#### HOUSE BILL NO 255—ON THIRD READING.

Senator Turner moved that the pending order of business (Senate bill No. 216) be suspended and the Senate take up, out of its order,

House bill No. 255, A bill to be entitled "An Act to amend Article 1039, Chapter 21, Title XXVII, of the Revised Civil Statutes of Texas, and to add thereto Article 1039a, prescribing the proceedings of the Courts of Civil Appeals in making and filing conclusions of fact and law."

Motion prevailed by the following vote:

Yeas—21.

Beaty.	Paulus.
Davidson of	Potter.
DeWitt.	Stafford.
Dibrell.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
James.	Turney.
Lipscomb.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.
Neal.	Yett.

Nays—8.

Goss.	Lloyd.
Grinnan.	Odell.
Harris of Hunt.	Savage.
Johnson.	Sebastian.

Absent.

Davidson of  
Galveston.

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its third reading.

Bill was read third time, and passed.

#### SENATE BILL NO. 271—ON THIRD READING.

Senator Turner moved that the pending order of business (Senate bill No. 216) be suspended and the Senate take up, out of its order,

Senate bill No. 271, A bill to be entitled "An Act to amend Article 943, of Chapter 3, Title XXVII, of Revised Civil Statutes, prescribing the action of the Supreme Court upon petitions for a writ of error to that court."

Motion prevailed by the following vote:

Yeas—22.

Beaty.	Paulus.
Davidson of	Potter.
DeWitt.	Sebastian.
Dibrell.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
James.	Turner.
Johnson.	Turney.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Neal.	

Nays—5.

Goss.	Odell.
Grinnan.	Savage.
Harris of Hunt.	

Present—Not voting.

McGee.	Wayland.
Patterson.	

Absent.

Davidson of  
Galveston.

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its third reading.

Bill was read third time, and passed.

Senator Turner moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 206—ON SECOND READING.

On motion of Senator Davidson of DeWitt, the pending order of business (Senate bill No. 216) was suspended and the Senate took up, out of its order,

House bill No. 206, A bill to be entitled "An Act to appropriate one thousand dollars to erect a vault for the deposit of the remains of the Mier prisoners."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

On motion of Senator Davidson of DeWitt, the constitutional rule requiring bills to be read on three several days was

suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Beaty.	Neal.
Davidson of	Patterson.
DeWitt.	Paulus.
Dibrell.	Potter.
Hanger.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Stafford.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Turney.
Lloyd.	Wayland.
McGee.	Wilson.
Miller.	Yett.

Nays—3.

Goss.	Odell.
Grinnan.	

Present—Not voting.

Wheeler.

Absent.

Davidson of	Turner.
Galveston.	

Bill was read third time, and passed by the following vote:

Yeas—25.

Beaty.	Odell.
Davidson of	Patterson.
DeWitt.	Paulus.
Dibrell.	Potter.
Hanger.	Savage.
Harris of Bexar.	Sebastian.
Harris of Hunt.	Stafford.
James.	Staples.
Johnson.	Swann.
Lipscomb.	Turney.
Lloyd.	Wayland.
Miller.	Wilson.
Neal.	Yett.

Nays—2.

Grinnan.	McGee.
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Present—Not voting.

Wheeler.

Absent.

Davidson of	Goss.
Galveston.	Turner.

Senator Davidson of DeWitt moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 71—ON THIRD READING.

On motion of Senator Yett, the pending order of business (Senate bill No. 216) was suspended, and the Senate took up, out of its order,

Senate bill No. 71, A bill to be entitled "An Act to amend Articles 3481 and 3498a, of Title LXXI, of the Revised

Civil Statutes of the State of Texas, relating to mines and mining."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its third reading.

Bill was read third time, and

Senator Dibrell offered the following amendment:

"Amend Senate bill No. 71 by striking out all after the words 'A bill to be entitled' and insert in lieu thereof the following:

"An Act to give the Board of Regents of the University of Texas exclusive control, management and disposition of all mineral lands belonging to the University of Texas.

"Section 1. Be it enacted by the Legislature of the State of Texas: That the Board of Regents of the University of Texas are hereby invested with the sole and exclusive management and control of all mineral lands within the domain which has been or may hereafter be appropriated, set aside or acquired by the University of Texas, and said Board of Regents are hereby empowered and authorized to sell, lease, manage and control said mineral lands belonging to said University as may seem best to them for the interest of the University, and they are further empowered with authority to explore and have explored and developed said mineral land, and to make any contract with any persons whomsoever for the exploration and development of said mineral lands, and to pay the expenses for such exploration or development out of the proceeds of the lease or sale of said land.

"Sec. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

"Sec. 3. The fact that the Board of Regents of the University of Texas have now no authority to manage, control or dispose of the mineral lands belonging to such University, and said lands are being neglected for the want of proper attention, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this act take effect and be in force from and after its passage."

Amendment was read, and adopted.

The bill was then passed.

Senator Yett moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 420—ON THIRD READING.

On motion of Senator James, the pend-

ing order of business (Senate bill No. 216) was suspended, and the Senate took up, out of its order,

House bill No. 420, being a bill to be entitled "An Act to amend Chapter 106 of the General Laws of the Twenty-sixth Legislature, State of Texas, at its Regular Session, amending Chapter 65 of an act passed by the Twenty-fifth Legislature at its Regular Session, said chapter being 'An Act to create a more efficient road system for Red River county, Texas; making county commissioners ex-officio road commissioners, and prescribing their duties as such; and to provide for their compensation as road commissioners, and defining the powers and duties of the commissioners court of said county; to provide for working of county convicts on public roads, and regulating same; providing for officers' fees in convicting convicts and recapturing county convicts; for summoning teams and tools for road work, and compensating for same; and providing penalty for violation of this act, and to repeal all laws and parts of laws in conflict with this act.'"

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its third reading.

Bill was read third time, and passed.

Senator James moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### SUBSTITUTE HOUSE BILL NO. 31— REQUEST FOR FREE CONFERENCE COMMITTEE GRANTED.

Senator Dibrell called up the House message announcing the refusal of the House to concur in the Senate amendments to

Substitute House bill No. 31, A bill to be entitled "An Act making deficiency appropriations for the support of the State government for six months beginning March 1, 1901, and ending August 31, 1901, and for other purposes,"

And moved that the request of the House for a Free Conference Committee be granted.

The motion prevailed, and

#### SUBSTITUTE HOUSE BILL NO. 31— FREE CONFERENCE COMMITTEE NAMED.

The Chair (President Pro Tem. Miller) appointed the following:

Senators Dibrell, Turney, James, Wilson and Wayland.

#### SENATE BILL NO. 216—PENDING BUSINESS, PENDING ON SECOND READING.

The Senate here resumed consideration of pending business,

Senate bill No. 216, A bill to be entitled "An Act to amend Articles 3099, 3103, 3104, 3105, of Title LIX, of the Revised Civil Statutes of Texas, adopted in 1895, reducing the conventional rate of interest from ten to eight per cent. per annum."

Bill having been read second time on yesterday, it was ordered engrossed by the following vote:

Yeas—16.

Davidson of	Paulus.
DeWitt.	Savage.
Grinnan.	Staples.
Harris of Hunt.	Swann.
Lipscomb.	Turner.
Lloyd.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.
Odell.	

Nays—15.

Beaty.	Johnson.
Davidson of	Neal.
Galveston.	Patterson.
Dibrell.	Potter.
Goss.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Turney.
James.	Yett.

#### SENATE BILL NO. 216—REASONS FOR VOTE.

"I vote 'no' because the bill is not constitutional, and I refer to the Record of the Twenty-sixth Senate, where the question was fully examined, discussed and determined in accordance with this vote.

"POTTER."

#### HOUSE BILL NO. 157—ON THIRD READING.

On motion of Senator Odell, the pending order of business (Senate bill No. 132) was suspended and the Senate took up, out of its order,

House bill No. 157, A bill to be entitled "An Act to forbid the issuance by any person, firm, association of persons, corporations, or the agents of either, of any ticket, check or writing obligatory, to any servant or employe for labor, redeemable or payable only in goods or merchandise by the said person, firm, association of persons, or corporation, and to provide a penalty for the violation of this act."

The Chair (President Pro Tem. Mil-

ler) laid the bill before the Senate, on its third reading.

Bill was read third time, and

#### IN THE SENATE.

Pending its passage, the Chair (President Pro Tem. Miller) had read and referred the following House bills (see foregoing first and second House messages for captions):

House bill No. 35 referred to Committee on Education.

House bill No. 104 referred to Judiciary Committee No. 2.

House bill No. 236 referred to Committee on State Affairs.

House bill No. 296 referred to Judiciary Committee No. 2.

House bill No. 371 referred to Judiciary Committee No. 2.

House bill No. 245 referred to Judiciary Committee No. 1.

House bill No. 69 referred to Committee on Stock and Stock-raising.

House bill No. 250 referred to Committee on Roads, Bridges and Ferries.

House bill No. 181 referred to Judiciary Committee No. 2.

House bill No. 76 referred to Committee on Finance.

Substitute House bill No. 97 referred to Committee on Education.

House bill No. 99 referred to Judiciary Committee No. 1.

House bill No. 303 referred to Judiciary Committee No. 2.

House bill No. 269 referred to Committee on Penitentiaries.

House bill No. 98 referred to Committee on Public Lands and Land Office.

#### ADJOURNMENT.

On motion of Senator Turney, the Senate, at 12:30 o'clock p. m., adjourned until 3 o'clock p. m.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment. President Pro Tem. Miller in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Present—31.

Beaty.	James.
Davidson of	Johnson.
DeWitt.	Lipscomb.
Davidson of	Lloyd.
Galveston.	McGee.
Dibrell.	Miller.
Goss.	Neal.
Grinnan.	Odell.
Hanger.	Patterson.
Harris of Bexar.	Paulus.
Harris of Hunt.	Potter.

Savage.  
Sebastian.  
Stafford.  
Staples.  
Swann.  
Turner.

Turney.  
Wayland.  
Wheeler.  
Wilson.  
Yett.

#### HOUSE BILL NO. 157—FINAL PASSAGE.

The Senate here resumed consideration of House bill No. 157, pending business (see caption in morning session).

The bill was passed.

Senator Odell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### COMMITTEE REPORTS.

(By unanimous consent.)

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 371, being a bill to be entitled "An Act to amend Chapter 6, Title XI, of the Penal Code of the State of Texas, by adding thereto 402a, relating to C. O. D. shipments of intoxicating liquors into any county, justice precinct, city or town, or subdivision, in which sale thereof is prohibited by law; declaring same to be a sale at the place of delivery,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, and that it be not printed.

Floor report.

TURNEY, Chairman.

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 11, Amending Article 3, Section 48, of the Constitution of the State of Texas, enumerating the purposes for which taxes may be levied, and adding thereto a clause permitting the levying of taxes for the purpose of making appropriations for State exhibits at fairs and exhibitions,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

HANGER.

## MAJORITY REPORT.

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 6, To amend Article 7, of the Constitution of the State of Texas, by adding thereto Sections 16 and 17, providing for the government of the University of Texas and the Agricultural and Mechanical College of Texas, and vesting such government in boards to be elected by the people,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DAVIDSON of DeWitt, Chairman.

## MINORITY REPORT.

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: We, a minority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 6, To amend Article 7, of the Constitution of the State of Texas, by adding thereto Sections 16 and 17, providing for the government of the University of Texas and the Agricultural and Mechanical College of Texas, and vesting such government in boards to be elected by the people,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

HANGER,  
GOSS.

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Education, to whom was referred

House bill No. 35, being a bill to be entitled "An Act to create and establish an industrial institute and college in the State of Texas for the education of white girls in the arts and sciences,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, and that it be not printed.

Floor report.

PAULUS, Chairman.

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 245, being a bill to be entitled "An Act to amend Article 1534 of the Revised Civil Statutes of 1895, and to define a quorum of the commissioners court,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, and that it be not printed.

Floor report.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 235, being a bill to be entitled "An Act to amend Article 402, of Title XI, of the Penal Code of the State of Texas, relating to the selling of intoxicating liquors,"

And find the same correctly engrossed.

BEATY, Chairman.

HOUSE BILL NO. 35—ORDERED  
PRINTED.

Senator Davidson of DeWitt moved that House bill No. 35, reported to be not printed by the committee, be printed.

The motion prevailed.

HOUSE BILLS NOS. 316, 434 AND 143  
—SIGNED.

The Chair (President Pro Tem. Miller) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 316, being "An Act to incorporate the city of Fort Worth, and to grant a new charter to said city."

House bill No. 434, being "An Act to amend Section 16, Chapter 80, of the General Laws of Texas, 1899, relating to pay of county commissioners acting as ex-officio road commissioners, and limiting the amount of such compensation."

House bill No. 143, being "An Act to amend Article 3979a, Chapter 13, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, by adding Section 4, providing for the granting of permanent State certificates to certain persons, and to declare an emergency."

SENATE BILL NO. 204—ON THIRD READING.

On motion of Senator Beaty, the pending order of business (Senate bill No. 132) was suspended and the Senate took up, out of its order,

Senate bill No. 204, A bill to be entitled "An Act granting a right of way of fifty feet in width over all cut over school lands to all tram roads while engaged in hauling logs to saw mills for manufacturing purposes."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its third reading.

Bill was read third time, and

Senator Savage offered the following amendment:

"Add after Section 2 the following: 'Provided, that only one right of way across any tract of land shall be granted.'"

Amendment was read, and adopted.

The bill was then passed by the following vote:

Yeas—21.

Beaty.	Miller.
Davidson of	Patterson.
Galveston.	Paulus.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
McGee.	Yett.

Nays—5.

Lloyd.	Savage.
Odell.	Staples.
Potter.	

Present—Not voting.

Davidson of  
DeWitt.

Absent.

Dibrell.	Neal.
Goss.	Wilson.

Senator Beaty moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

CONSIDERATION OF HOUSE BILLS—RESOLUTION FOR.

Senator Johnson offered the following resolution:

Resolved, That Tuesdays be set apart for the consideration of House bills, and that no House bill be considered on any other days, and that they be taken up in their regular order.

Resolution was read first time, and

Senator McGee offered the following amendment:

"Amend by adding, 'except by unanimous consent.'"

Resolution and amendment were laid on the table subject to call.

SENATE BILLS NOS. 37 AND 39, AND HOUSE BILLS NOS. 184 AND 313—SIGNED.

The Chair (President Pro Tem. Miller) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 37, being "An Act to amend Article 3909a, Title LXXXVI, Chapter 7, of the Revised Statutes of 1895, relating to the public school curriculum."

Senate bill No. 39, being "An Act to amend Article 3910, Title LXXXVI, Chapter 7, of the Revised Statutes of 1895, relating to school days and school months."

House bill No. 184, being "An Act to change and prescribe the time of holding district courts in the Fortieth District," etc.

House bill No. 313, being "An Act to create a more efficient road system for Panola county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the roads of said county; and providing for the working of insolvent tax-payers upon the roads of said county; and to provide for the summoning of teams for road work, and for allowance of time for road service for same, and fixing penalties for violations of this act, and to repeal all laws in conflict with this act as to Panola county."

HOUSE BILL NO. 347—ON SECOND READING.

On motion of Senator Yett, the pending order of business (Senate bill No. 132) was suspended and the Senate took up, out of its order,

House bill No. 347, A bill to be entitled "An Act to incorporate the city of Austin; to grant it a new charter, and to fix its boundaries."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, with the following committee amendments:

No. 1. By Miller:

"Amend Section 71 of the bill by striking out the words 'six months' and inserting 'four months.'"

No. 2. By Miller:

"Amend House bill No. 347 by add-

WASHINGTON COUNTY.

Brenham—C. H. Carlisle, Jr.

WHARTON COUNTY.

Lane City—John N. Hall.

WILSON COUNTY.

Floresville—W. R. Wiseman, Emmett B. Cocke, D. C. McRea, E. D. Mayes, O. A. McCracken, L. B. Camp, V. F. Caravajol, L. S. Lawhon, J. B. Polley, S. T. Morris.

Stockdale—George M. Clifton, Thomas P. Morris, M. S. McGee, Bennett G. Haskell, B. F. Johnson, M. S. McGee, James W. Brown.

Lavernia—A. N. Sanders, J. E. Canfield, George P. Knight.

Nockenut—H. S. Hastings.

Marcelina—J. T. Ferguson.

Fairview—G. W. Rose.

Union—C. L. Patterson.

Southerland Springs—J. D. Murray, J. T. Ferguson.

ZAPATA COUNTY.

San Ignacio—Mercurio Martinez.

GALVESTON COUNTY.

Galveston—John A. Ahrens, William Arnold, J. F. Simons, E. M. Flake, Henry H. Abbott, James E. Quin, Felix T. Simons, Samuel Boyd, Jas. H. McNeill, Jas. A. Cameron, R. J. F. S. Dreyfus, C. D. Fordtran, Jas. S. Montgomery, M. O. Kopperl, D. D. McDonald, Walter Gresham, Jr., Milton H. Potter, Geo. F. Pierce, I. Lovenberg, Jr., F. W. Beissner W. J. Cowan, Edward Sedgwick, T. J. McCarthy, D. S. Anderson, G. P. Prendergast, R. W. Houk, Herbert Austin, William O'Neil, Jno. E. Linn, B. R. A. Scott, P. T. Lomax, Thos. Aguillo, M. J. Mulcahy, Geo. E. Coll, Jno. W. Focke, Geo. P. Douglass, Jno. A. Street, J. Singer, Thos. H. Edgar, Clay S. Briggs, Jno. K. Brotherson, Sid. V. Patrick, Jr., J. C. Wenman, S. G. Burnett, B. I. Willcoxon, J. T. Alberts, A. B. Tuller, John Hutchison, A. B. Beutell, Thos L. Cross, Geo. W. Schaper, C. Riedrich, Aubry Fuller, C. Harper Anderson, Joe M. Smith, J. P. Bowen, S. J. Franklin, Chas. K. Lee, Florence T. Atkins, William Moore, Henry T. Adriance, Hoskins Foster, J. N. Jackson, Valry E. Austin, S. T. Hanson, J. R. Cheek, Chas. F. J. Artz, G. T. Austin, W. H. Ames, W. A. Hogan, H. Reybaud, Jno. J. Labarthe, I. Lovenberg, Thos. J. Goree, Ed. F. Harris, Clarence R. Goldman, W. B. Wallis, Mart H. Royston, Joe Seinsheimer, Theo. F. Heigel, A. J. Johnson, C. E. Doherty, Jno. T. Wheeler, Brad. Hancock, W. B. Kinkhead, E. S. Cox, J. C. Canty, S. T. Fon-

taine, A. B. Wood, Henry Schroeder, Thos. R. Joseph, Fred W. Catterall, M. M. Cox, Geo. D. Anderson, Ballinger Mills, John Friery.

BOWIE COUNTY.

New Boston—R. M. Mitchell, R. B. Harrison.

DeKalb—John W. Clark.

Texarkana—W. H. Welch.

Bassett—E. R. McCoppin.

BRAZORIA COUNTY.

Pearland—Guy Johnson.

Alvin—J. W. Slump.

COLLIN COUNTY.

Murphy—Joseph R. Dickerson.

CASS COUNTY

Atlanta—Ike Griffin.

GRAYSON COUNTY.

Whitewright—C. L. Marshall.

MORRIS COUNTY.

Cason—Henry Tidwell.

TITUS COUNTY.

Mount Pleasant—Charles L. Duncan.

KENDALL COUNTY.

Center Point—Alonzo Rees.

COMMITTEE REPORTS.

The following privileged committee reports were made to the Senate:

Committee Room,  
Austin, Texas, April 3, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 258, being "An Act to amend the charter of the city of Dallas, entitled 'An Act to incorporate the city of Dallas, and to grant to it a new charter,' approved May 9, 1899, as amended by an act entitled 'An Act to amend Sections 12, 56, 77, 119 and 120 of "An Act to incorporate the city of Dallas, and to grant it a new charter," approved May 9, 1899, passed by the First Called Session of the Twenty-sixth Legislature, and to provide a just and effective law for making necessary street improvements, and paying said cost of the same, by adding to said city charter of the city of Dallas Sections 1a to 31a, inclusive, and by repealing all laws and parts



tance of 10 varas from said water level line surveyed and marked on the west side of said river; thence down the Colorado river within 10 varas of said surveyed line with the meanders of said river to the mouth of Barton's creek; thence up Barton's creek on the west side thereof, to a point due west at where the west line of the Isaac Decker league prolonged in its course northerly would intersect Barton's creek; thence easterly across said Barton's creek to the western boundary line of said Decker league; thence southwesterly with the western boundary line of said Decker league to the southwest corner lot No. 24 in Bradley's subdivision of the Goodrich estate on said Decker league, being also the northwest corner of the D. P. Kinney tract on said Decker league; thence to the southwest corner of the H. J. Doughty tract on said Isaac Decker league; thence easterly in a straight line to the northeast corner of Mrs. E. V. Blum's 213 acre tract, being the southeast corner of the subdivision known as Southside; thence in a northerly direction with the east boundary line of said subdivision and the east boundary line of John D. McCall and D. C. Stone tracts to the center of the channel of Colorado river; thence down said river in a straight line to the place of beginning."

Amend Section 12 of the Austin city charter, by striking out the boundaries of the Third Ward, and in lieu thereof insert the following:

"The Third Ward shall embrace the following territory: Beginning at a point in the center of Congress Avenue at its intersection with Seventh street; thence north with a line in the center of Congress Avenue to a point in the center of Nineteenth street; thence east with a line in the center of Nineteenth street to a point in the center of Lampasas street; thence north with a line in the center of Lampasas street to a point in the center of Twenty-first street; thence west with a line in the center of Twenty-first street to the center of Rio Grande street; thence south with a line in the center of Rio Grande street to the center of Nineteenth street; thence west with a line in the center of Nineteenth street to a point in the east line of the Geo. W. Spear league; thence southward following said Spear league line to the northeast corner of Block No. 15, Division Z; thence west to the northwest corner of Block No. 12, Division Z; thence south to the southeast corner of the R. Krause ten acre tract; thence following the city boundary line in a westerly direction to the southwest corner of the Wm. Walch tract; thence down the

Colorado river to the northwest corner of the Second Ward; thence following the north boundary line of the Second Ward in an easterly direction to the place of beginning."

Amend Section 3 of the Austin city charter by striking out the boundaries of the Fourth Ward on page —, and in lieu thereof insert the following:

"The Fourth Ward shall embrace the following territory: Beginning at a point in the center of Lampasas street at its intersection with Nineteenth street; thence east with a line in the center of Nineteenth street to a point in the center of Waller creek to the junction of east and west Waller creek; thence north with the meanders of east Waller creek to the north boundary line of the city; thence northwest with the boundary line of the city to the northeast corner of the city boundaries; thence west with the north boundary line of the city to the northwest corner of lot No. 82, in Division D; thence south with the Geo. W. Spear league line to a point in the center of Nineteenth street; thence with the north boundary line of the Third Ward in an easterly direction to the place of beginning."

Foregoing committee amendments were read, and, on motion of Senator Davidson of DeWitt, adopted.

Senator Yett offered the following amendment:

"Amend by striking out the word 'after,' in line 31, page 34, printed House bill, and insert in lieu thereof the word 'before.'"

Amendment was read, and adopted, and

The bill was ordered engrossed.

On motion of Senator Yett, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
Johnson.	Turney.
Lipscomb.	Wilson.
McGee.	Yett.

Nays—2.

James.	Lloyd.
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**Absent.**

Patterson. Wheeler.  
Wayland.

Senator Potter moved the previous question on the bill, which motion being duly seconded, the Chair (President Pro Tem. Miller) put the question—

Shall the main question be now ordered?

The main question was ordered, and

The bill was passed by the following vote:

Yeas—26.

Beaty.	Miller.
Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Potter.
Grinnan.	Savage.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
Johnson.	Turner.
Lipscomb.	Turney.
Lloyd.	Wheeler.
McGee.	Yett.

Nays—3.

Goss. Sebastian.  
James.

**Absent.**

Wayland. Wilson.

Senator Yett moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

#### HOUSE BILL NO. 347—REASONS FOR VOTE.

"I vote 'yea' on final passage of House bill No. 347, known as the Austin Charter Bill, because the same is a purely local measure and has the support of the local Senator and Representatives.

"MILLER."

#### SIMPLE RESOLUTION.

Senator Sebastian offered the following resolution:

Resolved, That Hon. S. W. T. Lanham, Congressman from the Eighth District of Texas, who is in the city, be invited to a seat within the bar of the Senate and allowed the privileges of the floor.

Resolution was read second time, and adopted.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, April 4, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled

Bills have carefully examined and compared

Senate bill No. 39, "An Act to amend Article 3910, Title LXXXVI, Chapter 7, of the Revised Statutes of 1895, relating to school days and school months, and providing that public free schools shall not be closed on legal holidays unless ordered by the trustees,"

And find the same correctly enrolled, and have this day, at 3:40 o'clock p. m., presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,  
Austin, Texas, April 4, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 37, "An Act to amend Article 3909a, Title LXXXVI, Chapter 7, of the Revised Statutes of 1895, relating to the public school curriculum,"

And find the same correctly enrolled, and have this day, at 3:40 o'clock p. m., presented the same to the Governor for his approval.

WILSON, Chairman.

#### HOUSE BILL NO. 371—ON SECOND READING.

On motion of Senator Odell, the pending order of business (Senate bill No. 132) was suspended and the Senate took up, out of its order,

House bill No. 371, A bill to be entitled "An Act to amend Chapter 6, Title XI, of the Penal Code of the State of Texas, by adding thereto Article 402a, relating to C. O. D. shipments of intoxicating liquors into any county, justice precinct, city or town, or subdivision in which sale thereof is prohibited by law; declaring same to be a sale at the place of delivery."

On motion of Senator Odell, the Senate rule requiring committee reports to lay on the table for one day was suspended for the purpose of considering the bill on its second reading.

(Bill was reported from committee this day.)

On motion of Senator Odell, the constitutional rule requiring bills to be read on three several days, for the purpose of taking the bill up on its second reading, was suspended by the following vote (read first time this day):

Yeas—27.

Beaty.	Goss.
Davidson of	Hanger.
DeWitt.	Harris of Bexar.
Dibrell.	Harris of Hunt.

James.	Savage.
Lipscomb.	Sebastian.
Lloyd.	Stafford.
McGee.	Staples.
Miller.	Swann.
Neal.	Turner.
Odell.	Turney.
Patterson.	Wheeler.
Paulus.	Wilson.
Potter.	Yett.

Absent.

Davidson of	Johnson.
Galveston.	Wayland.
Grinnan.	

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and

Senator Odell offered the following amendment:

"Amend by adding the following to Section 1: 'And provided further, that when orders are solicited for intoxicating liquor in any territory within this State where the sale of intoxicating liquor has been prohibited by law and such order is subsequently filled, the sale shall be construed to have been made at the place where such order was solicited.'"

Amendment was read, and adopted.

Senator Odell offered the following amendment:

"Amend the bill by adding thereto Section 2:

"Section 2. Whereas, there is now no law adequately regulating the sale of intoxicating liquor in territory where the sale of intoxicating liquor is prohibited by law creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that said rule is hereby suspended, and this act take effect and be in force from and after its passage, and it is so enacted.'"

Amendment was read, and adopted.

Senator Odell offered the following amendment:

"Amend the caption by adding thereto the following: 'And declaring a sale to be made at the point where orders are solicited in the territory where the sale of intoxicating liquors is prohibited.'"

Amendment was read, and adopted.

The bill was then passed to a third reading.

On motion of Senator Odell, the constitutional rule requiring bills to be read on three several days was further suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Davidson of	Neal.
DeWitt.	Odell.
Davidson of	Patterson.
Galveston.	Paulus.
Dibrell.	Potter.
Goss.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Miller.	Yett.

Absent.

Beaty.	Turner.
Johnson.	

Bill was read third time, and passed.

Senator Odell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

Motion to table prevailed.

### THIRD HOUSE MESSAGE.

The following third House message was here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 303, A bill to be entitled "An Act to provide for and to authorize the Northern Texas Traction Company to extend its electric road now owned and operated by it from the city of Fort Worth, in the county of Tarrant, State of Texas, through the counties of Tarrant and Dallas, to and into the city of Dallas in said Dallas county in said State, and to empower said Traction Company to condemn lands and other property for the uses and purposes of said corporation, and to provide the method therefor, and to authorize said corporation to exercise the same rights and powers over the line so constructed as it now exercises over the line of road now owned and operated by it, and to do such other things and assume all rights and obligations necessary to the accomplishment of the purposes of this act."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

### FOURTH HOUSE MESSAGE.

The following fourth House message was here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has rejected the report of the Conference Committee appointed on House bill No. 224, the Galveston Charter Bill, and asks for the appointment of a Free Conference Committee, and appoints the following: Messrs. Nolan, Seabury, Gary, Schluter and Murrell on the part of the House.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### COMMITTEE REPORTS.

By unanimous consent, the following committee reports were made to the Senate:

Committee Room,

Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 216, being a bill to be entitled "An Act to amend Articles 3099, 3103, 3104, 3105, of Title XLIX, of the Revised Civil Statutes of Texas, adopted in 1895, reducing the conventional rate of interest from ten to eight per cent. per annum,"

And find the same correctly engrossed.

BEATY, Chairman.

Committee Room,

Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Educational Affairs, to whom was referred

Substitute House bill No. 97, being a bill to be entitled "An Act to amend Articles 3982 and 3983, Chapter 13, Title LXXXVI, Revised Civil Statutes of Texas, regulating the transfer of children of the scholastic age from one district or independent district to another, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Floor report.

PAULUS, Chairman.

Committee Room,

Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 181, being a bill to be entitled "An Act to amend Article 787, Chapter 3, Title XVII, of the Penal Code of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Floor report.

TURNEY, Chairman.

Committee Room,

Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 296, being a bill to be entitled "An Act to amend Articles 575 and 576, of Chapter 6, Title XIV, of the Penal Code of the State of Texas, relating to public weighers, and to persons weighing for the public, and to punish such persons using false balances or instruments for weighing and for fraudulently giving a wrong weight or certifying to a wrong weight, and to prescribe a penalty for violating same,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

Floor report.

TURNEY, Chairman.

Committee Room,

Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 250, being a bill to be entitled "An Act to create a more efficient road system for the counties in this State, and making the county commissioners ex-officio road commissioners, and prescribing their powers and duties as such,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

Floor report.

MILLER, Chairman.

#### HOUSE BILL NO. 376—ON SECOND READING.

On motion of Senator Davidson of DeWitt, the pending order of business (Senate bill No. 132) was suspended and the Senate took up, out of its order,

House bill No. 376, A bill to be entitled "An Act to amend Article 4785a, Chap-

ter 6, Title XCVII, of the Revised Statutes of the State of Texas."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

#### HOUSE BILL NO. 224—SECOND REQUEST FOR FREE CONFERENCE COMMITTEE GRANTED.

Senator Davidson of Galveston called up the House message announcing the House's refusal to adopt the report of the Free Conference Committee on House bill No. 224 (Galveston Charter), and asking for another, and moved that its second request for a Free Conference Committee be granted.

The motion prevailed, and

#### HOUSE BILL NO. 224—FREE CONFERENCE COMMITTEE NAMED.

The Chair (President Pro Tem. Miller) named the following:

Senators Davidson of Galveston, Stafford, Turney, Dibrell and Turner.

#### HOUSE BILL NO. 385—ON SECOND READING.

On motion of Senator Turner, the pending order of business (Senate bill No. 132) was suspended and the Senate took up, out of its order,

House bill No. 385, A bill to be entitled "An Act to define public warehousemen and public warehouses, and to regulate the business of public warehousemen, public warehouses, and the issuance of public warehouse receipts, and to define and punish violations of this act."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill was read second time, and passed to a third reading.

#### SENATE BILL NO. 100—HOUSE AMENDMENTS CONCURRED IN.

Senator Johnson called up from the table, where it lay with a House amendment,

Senate bill No. 100, A bill to be entitled "An Act for the relief of Mary E. Batchelor, widow of James W. Batchelor."

On motion of Senator Johnson, the following House amendment was concurred in:

"Amend by striking out Section 1, relating to county certificate."

#### FIFTH HOUSE MESSAGE.

The following fifth House message was here delivered to the Senate:

Hall of the House of Representatives,  
Austin, Texas, April 4, 1901.

*Hon. J. N. Browning, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 100, A bill to be entitled "An Act for the relief of Mary E. Batchelor, widow of James W. Batchelor," with amendment.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### SENATE BILL NO. 304—ON SECOND READING.

On motion of Senator Dibrell, the pending order of business (Senate bill No. 132) was suspended and the Senate took up, out of its order,

Senate bill No. 304, A bill to be entitled "An Act to amend Title XVIII, Chapter 3, Article 407, so as to provide for the manner of appointing deputy marshals in cities and towns, and declaring an emergency."

The Chair (President Pro Tem. Miller) laid the bill before the Senate, on its second reading.

Bill read second time, and ordered engrossed.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Beaty.	Miller.
Davidson of	Neal.
Galveston.	Patterson.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
Lloyd.	Yett.
McGee.	

Nays—3.

Davidson of	Potter.
DeWitt.	Staples.
	Absent.

Paulus. Present—Not voting.

Odell.

Bill was read third time, and passed. Senator Dibrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table. Motion to table prevailed.

HOUSE BILL NO. 224—FREE CONFERENCE COMMITTEE REPORT ADOPTED.

*To the Hon. J. N. Browning, President of the Senate, and Hon. R. E. Prince, Speaker of the House of Representatives.*

SIR: We, your Free Conference Committee appointed to adjust the differences between the Senate and the House on Senate amendments to House bill No. 224, beg leave to report as follows:

We recommend that Senate recede from amendment No. 27 by striking out said amendment, which amendment provided for inserting on page 71, line 21, after the words "legal process," the following words, "and no writ of mandamus or other process shall lie to compel said commissioners to levy any taxes except as authorized by this act."

We also recommend that the Senate recede from amendment No. 28, as follows: "No. 28. Amend by striking out on pages 109-110, beginning on line 26, page 109, the following words, 'excepting, however, all legal ordinances, resolutions or acts heretofore passed by the city council of Galveston, and any provisions of said charter of 1876, and amendments and acts relating thereto, providing for the issuance and payment of either principal or interest of outstanding legal unpaid bonds of the city of Galveston; provided, that the rate of taxation hereafter fixed in any ordinance providing for the issuance of refunding bonds shall not exceed the rate levied in the ordinance under which the bonds to be refunded were issued.'"

And in lieu thereof we recommend the following amendment: 'By inserting after the word 'repealed,' page 109, line 26, of the engrossed bill, the following words: 'Excepting, however, all legal ordinances, resolutions or acts heretofore passed by the city council of Galveston, and any provisions of said charter of 1876, and amendments and acts relating thereto providing for the issuance and payment of either principal or interest of outstanding legal unpaid bonds of the city of Galveston.'"

We also recommend that the Senate recede from amendment No. 30, by striking out all of said amendment, which consisted of Section 67 of said act, and as to be inserted, commencing on page 32, line 10, of engrossed bill, and insert in lieu thereof the following:

"Section 67. The city of Galveston shall have the power to issue bonds to the amount of not exceeding \$3,100,000.00 of such denomination as the board of commissioners may determine, payable at such time, not to exceed

fifty years, as they may determine and as may be agreed to by the holders of such bonds, bearing interest, payable semi-annually, at a rate to be agreed on by the holders of such bonds and the board of commissioners; said interest rate, however, not to exceed five per cent. per annum, but the city of Galveston shall have the right to select by lot as interest coupons on said bonds mature, sufficient of the bonds to retire at not exceeding par, not less than two per cent. per annum of the total bonds outstanding of each issue into the sinking fund thereof. These bonds are to be issued for the purpose of refunding such of the outstanding bond issues of the city of Galveston as are hereinafter specified; that is to say, a sufficient number of said bonds so authorized to be issued, shall be in lieu and instead of the outstanding forty-year limited debt bonds of 1881; a sufficient number of said bonds so authorized to be issued, shall be in lieu and instead of the water works street improvement and city hall bonds outstanding; a sufficient number thereof shall be in lieu and instead of the forty-year limited debt bonds of 1891 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedness funding bonds of 1895 outstanding; a sufficient number thereof shall be in lieu and instead of the general indebtedness funding bonds approved Sept. 8, 1897, outstanding; a sufficient number thereof shall be in lieu and instead of bonds outstanding, issued for the establishment and maintenance of a sewerage system in pursuance of an ordinance of the city of Galveston passed December 16, 1897, and the amendment

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax not exceeding twenty cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners of said city of Galveston, not to exceed five per cent. per annum; and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid, of the issue of what is known as the forty-year limited debt bonds of 1881, and refunding bonds, respectively, issued in lieu of same.

"The board of commissioners of the city of Galveston shall have the power to levy, assess and collect an annual ad valorem tax not exceeding sixteen and four-tenths cents on the one hundred dollars valuation of all property subject to taxation within said city in order to provide

for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the water works, street improvement and city hall bonds, and refunding bonds, respectively, issued in lieu of same.

"The board of commissioners of the city of Galveston shall have the power to levy, assess and collect an annual ad valorem tax not exceeding thirty-three cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the forty-year limited debt bonds of 1891, and refunding bonds, respectively, issued in lieu of same.

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax of not exceeding five and five-tenths cents on the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the general indebtedness refunding bonds of 1895, and refunding bonds, respectively, issued in lieu of same.

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax not exceeding five cents on the hundred dollars valuation of all property subject to taxation within said city in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid, of the issue of what is known as the general indebtedness funding bonds of 1897, and refunding bonds, respectively, issued in lieu of same.

"The board of commissioners of the city of Galveston shall have power to levy, assess and collect an annual ad valorem tax, not exceeding ten cents on

the one hundred dollars valuation of all property subject to taxation within said city, in order to provide for the payment of interest at such rate as may hereafter be determined by the board of commissioners, not to exceed five per cent. per annum, and to create a sinking fund of not less than two per cent. per annum on such amount of the total bonds remaining unpaid of the issue of what is known as the sewer bonds, and refunding bonds, respectively, issued in lieu of same. Provided, however, that the said board of commissioners shall not determine upon a less rate of interest than five per cent. per annum upon any outstanding legal bonds of the city of Galveston, except, and unless, with the consent of the holder or holders of such bonds, respectively, and if the holder or holders of any of such bonds do not so consent to a less rate of interest than five per cent. per annum, then, and in that case, the bond or bonds of any such holder or holders, not so consenting, shall bear interest at the rate of five per cent. per annum.

"This act shall not be so construed as to authorize the board of commissioners of the city of Galveston to levy or to assess or to collect any tax in excess of the rates mentioned in this section, for the purpose of paying the interest on, or creating a sinking fund for, any series of either the outstanding bonds or the refunding bonds mentioned in this section; provided, however, that if any of such outstanding bonds be not refunded then, and in that case, said board of commissioners shall have power to levy, assess and collect such rate of taxation to pay the interest on, and to create a sinking fund for, such bonds not refunded, as does not exceed the rate of taxation prescribed in any legal ordinances, resolution or act heretofore passed by the city council of the city of Galveston, or act of the Legislature heretofore passed relating thereto, providing for the issuance and payment of either principal or interest of any such outstanding, legal, unpaid and unrefunded bonds of the city of Galveston.

"Each of said funds so created shall be a special fund for the purposes aforesaid and shall not be drawn upon or diverted for any other purpose, and the city treasurer of said city of Galveston shall honor no drafts upon said fund, except to pay the interest upon, or to redeem the bonds for which each or either of said funds was created under the provisions of this section. All bonds issued as refunding bonds, shall be signed by the president of the board of commissioners and countersigned by the secretary of said board and shall be pay-

able at such place as may be fixed by ordinance of said board of commissioners. It shall be the duty of the president of said board of commissioners, when such bonds are issued, to forward the same to the Comptroller of the State of Texas, whose duty it shall be to register them in a book kept for that purpose, and to endorse on each bond registered, his certificate of registration.

"Immediately upon the qualification of the commissioners of the city of Galveston to be appointed and elected as provided in this act, or as soon thereafter as practicable, it shall be their duty to make publication of the terms of this funding act; but the passage of this act shall be and is hereby deemed sufficient notice to the holders of the present bonds of the city of Galveston now outstanding.

"The manner of exchange of refunding bonds, their date of issuance, rate of interest, maturity and all other details of the issuance of the new bonds, is hereby left to the board of commissioners under such rules and regulations as a majority of them shall prescribe, not inconsistent with the provisions of this act.

"The acceptance and consumation by any creditor of the exchange of bonds provided by this act, shall of itself operate to assign and transfer to said municipal corporation, all his rights to and claims against the uncollected taxes, or other assets whatever, of said municipal corporation, including whatever funds there may be, either in bonds, money or other securities, held in either interest or sinking funds of the issue so exchanged or refunded with the right in said municipal corporation to enforce the same, either in its own name or in the name of the creditor; and the funds that may be realized therefrom are to be paid to the treasurer of said municipal corporation, and they are hereby devoted and appropriated to the payment of the present floating debt of the city of Galveston; and after that is paid to go in the general fund for any proper municipal purposes, so far as is not inconsistent with the terms of this act.

"Said board of commissioners shall have the power and it is made their duty from time to time, as they may determine, whenever as much as two thousand dollars shall have accumulated in the sinking fund of any of the proposed series of refunding bonds, to invest the same in bonds of any such series, in bonds of said city of Galveston, in bonds of the State of Texas, or in bonds of the United States, as may be deemed most advantageous by said board; provided, however, that when bonds of any particular series are purchased for the sink-

ing fund of the same series, said bonds shall be canceled and retired. It shall be the duty of said board of commissioners, upon the surrender of any evidence of indebtedness, for which a new bond is to be issued, under the provisions of this act, and before the said bond is delivered, to cancel the evidence of indebtedness so surrendered, with a punch or by writing across the face thereof, that it is canceled, so that it cannot be again used. All matured interest coupons shall be surrendered with the bonds, and no bond shall be received or refunded from which unmatured interest coupons are detached, unless such coupons are produced and surrendered with the bond.

"Said board of commissioners shall also keep, or cause to be kept, for and on behalf of the city of Galveston, a complete bond registry and set of books, showing all bonds issued, the date and amount thereof, the rate of interest, maturity, etc., of all bonds or other indebtedness surrendered under the provisions of this act, and all the other transactions of such board having reference to the refunding of the indebtedness of said city. When bonds or their coupons are paid, their payment or cancellation shall be noted in said registry, and the said book so required shall be kept safely among the records of the said city of Galveston.

"No other taxing power whatever, for any other purpose than is set forth in this act, shall be exercised by the board of commissioners of the city of Galveston under this act.

"That for any violation of the trusts imposed upon the officers or agents of the city of Galveston employed under this act, the same consequences shall follow civilly and criminally, that result from any breach of trust or willful violation of duty imposed by law upon any of the officers of the State of Texas, charged with the discharge of like duties, and for a breach of trust or willful violation of duty in respect thereof, upon conviction, they shall be punished in like manner as is or may be provided by the penal laws of the State of Texas."

We recommend the adoption of the following Senate amendments:

No. 2. "Amend by inserting on page 5a, line 3, after the word 'appointed,' the words 'and elected.'"

No. 3. "Amend by inserting on page 6, line 15, after the word 'appointed,' the words 'and elected under this act.'"

No. 4. "Amend by striking out on page 6, lines 19 and 20, the words 'said commissioners shall qualify as provided by this section within 10 days after their appointment,' and insert in lieu thereof the following words: 'Each commis-



sioner appointed by the Governor of the State shall qualify as provided by this section within 10 days after his appointment, and each commissioner elected under the provisions of this act shall qualify as provided by this section, within 10 days after the delivery to him by the county judge of Galveston county of a certificate of his election."

No. 5 "Amend by striking out on page 7, line 21, the words 'appointment and.'"

No. 6. Amend by striking out on page 7, line 15, the word 'in,' and all the words on lines 16, 17, 18 and 19, and insert in lieu thereof the following words: 'In case of the death, resignation, removal from office, or removal from the territorial limits of said city of either or both of the two commissioners elected, any such vacancy shall be filled in the manner provided by the Constitution of this State for filling vacancies in State or district offices other than members of the Legislature.'"

No. 7. "Amend by inserting on page 8, line 30, after the word 'appointed' the words 'and elected.'"

No. 8. "Amend by inserting on page 10, line 31, after the words 'may be' the word 'by.'"

No. 9. "Amend by inserting on page 12, line 27, after the word 'appointed,' the words 'and elected.'"

No. 10. "Amend by striking out on page 29, line 21, the words 'appointment and.'"

No. 11. "Amend by inserting on page 34, line 21, after the word 'appointed,' the words 'and elected as herein provided.'"

No. 12. "Amend by striking out on page 35, lines 9 and 10, the words 'the Governor of the State shall fill such vacancy by appointment,' and in lieu thereof insert the words 'such vacancy shall be filled in the manner provided in section 10 of this act.'"

No. 13. "Amend by adding on page 54, line 4, after the word 'examination,' the words 'or after a coroner's inquest.'"

No. 14. "Amend by inserting on page 67, line 4, after the word 'appointed,' the words 'and elected.'"

No. 15. "Amend by inserting, page 69, line 12, after the word 'negligence,' the words 'for any injury or injuries to persons or.'"

No. 16. "Amend by striking out on page 70, line 29, the word 'is,' and insert in lieu thereof the word 'are.'"

No. 17. "Amend by striking out on page 80, lines 17 and 18, the words 'that may have been rendered' and the word 'such.'"

No. 18. "Amend by inserting on page

91, line 10, after the word 'appointed' the words 'and elected.'"

No. 19. "Amend by striking out on page 93, lines 8 and 9, the word 'commissions,' and insert in lieu thereof the word 'commissioners.'"

No. 20. "Amend section 69, page 94, line 26, by inserting after the word payable' the words 'not more than.'"

No. 21. "Amend section 69, page 94, by striking out 'three (3),' and inserting in lieu thereof the words 'not to exceed five (5).'"

No. 22. "Amend section 70, page 95, line 26, by inserting after the words and figures 'Sec. 70.' the following: 'All moneys that may be donated or appropriated by the State of Texas to the city of Galveston shall be applied to and used.'"

No. 23. "Amend section 70, page 95, line 32, by inserting after the words and figures 'No. 69' the word 'and.'"

No. 24. "Amend section 70, page 96, line 5, by striking out the word 'of,' and inserting in lieu thereof the words 'of not to exceed.'"

No. 25. "Amend Section 71, page 96, lines 25 and 26, by striking out the words and figures 'of forty cents.'"

No. 26. "Amend section 71, page 96, lines 15 and 16, by striking out the words and figures 'of 40 cents on the one hundred dollars.'"

No. 29. "Amend by inserting on page 110, line 22, after the word 'enacted' the following words: 'Provided, that the commissioners appointed and elected respectively under this act, shall not qualify before the first Monday in June, 1901.'"

We also recommend that the Senate recede from Senate amendment No. 1, reading as follows:

No. 1. "Amend by inserting on page 1, line 28, after the word 'corporation,' the words 'or the commerce of the city of Galveston.'"

We also recommend that House bill No. 224 be amended by striking out on page 95, line 10, of the engrossed bill, the word and figures "fifty thousand (50,000)" and insert in lieu thereof the word and figures "one hundred thousand (100,000)."

Respectfully submitted,

DAVIDSON of Galveston,  
STAFFORD,  
TURNER,  
TURNER,

On the part of the Senate.

NOLAN,  
SEABURY,  
SCHLUTER,  
GARY,

On the part of the House.

After the foregoing report had been read,

Senator Davidson of Galveston moved that it be adopted.

The motion prevailed by the following vote:

Yeas—28.

Beaty.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
Lloyd.	Wilson.
Miller.	Yett.
Neal.	

Absent.

Davidson of  
DeWitt.

Present—Not voting.

McGee. Odell.

Senator Davidson of Galveston moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

Motion to table prevailed.

#### SENATE BILL NO. 169—ON SECOND READING.

On motion of Senator Goss, the pending order of business (Senate bill No. 132) was suspended and the Senate took up, out of its order,

Senate bill No. 169, A bill to be entitled "An Act to amend Article 467, Chapter 4, Title XVIII, Revised Statutes, 1895, with reference to the issuance of bonds by cities and towns; the creation of a fund to pay interest, and to provide a sinking fund to redeem said bonds; to provide for the proper investment of the sinking fund, to prescribe the duties of the city treasurers with reference to said funds, and to provide an emergency."

Bill was read second time.

#### MOTION TO ADJOURN—LOST.

Pending further action on Senate bill No. 169.

Senator Johnson moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow.

Motion to adjourn was lost.

#### SENATE BILL NO. 169—CONSIDERATION OF RESUMED.

The Senate here resumed consideration

of pending business, Senate bill No. 169, and

Senator Goss offered the following amendment:

"Amend by adding after the word 'city,' in lines 16 and 21, the words 'or county.'"

Amendment was read, and adopted.

Senator Goss offered the following amendment:

"Amend caption by inserting before the word 'cities' the word 'counties.'"

Amendment was read, and adopted.

#### ADJOURNMENT.

Senator Patterson moved that the Senate stand adjourned until 10 o'clock a. m. tomorrow, and

Senator Lloyd moved that the Senate recess until 8 o'clock p. m.

Action recurring on the longest time first the motion of Senator Patterson prevailed, and the Senate, at 5:35 o'clock p. m. accordingly adjourned.

#### FIFTY-FIFTH DAY.

Senate Chamber,

Austin, Tex., Friday, April 5, 1901.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—30.

Beaty.	Neal.
Davidson of	Odell.
DeWitt.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Johnson.	Turney.
Lipscomb.	Wayland.
Lloyd.	Wheeler.
McGee.	Wilson.
Miller.	Yett.

Absent.

Goss.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator McGee, the same was dispensed with.

#### EXCUSED.

On motion of Senator Potter, Senator Goss was excused from further attend-